

NEWS RELEASE



***OFFICE OF THE UNITED STATES ATTORNEY
SOUTHERN DISTRICT OF CALIFORNIA
San Diego, California***

***United States Attorney
Karen P. Hewitt***

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For Immediate Release

NEWS RELEASE SUMMARY - March 29, 2007

United States Attorney Karen P. Hewitt announced that Daniel Cummings, the owner and operator of American Metal Processing, a local electroplating firm, was sentenced today in federal court in San Diego by United States District Judge Dana M. Sabraw to serve three months in custody, followed by three months of home detention, and ordered to pay a \$5,000 fine for the unlawful discharge of pollutants into the city sewer system. Judge Sabraw also ordered American Metal Processing to pay a \$50,000 fine for violating their Industrial User Discharge Permit.

According to Assistant U.S. Attorney Melanie K. Pierson, who prosecuted the case, on June 29, 2005, Cummings admitted that he directed employees of American Metal Processing to discharge wastewater that contained zinc, cadmium, copper, lead nickel and chromium, in concentrations in excess of those allowable under the company's Industrial User Discharge Permit, into the San Diego sewer system.

In sentencing Cummings to a custodial term of prison, Judge Sabraw noted that the defendant had a prior misdemeanor conviction for an environmental violation, and a history of Notices of Violation issued by environmental regulatory agencies. The Court ordered Cummings to surrender on May 16, 2007, to begin serving his sentence.

DEFENDANTS

Criminal Case No. 05-CR-2163-DMS

Daniel Cummings

American Metal Processing, Inc.

SUMMARY OF CHARGES

Unlawful Discharge of Pollutants, in violation of Title 33, United States Code,
Sections 1319(c)(2)(A) and 1342

Maximum Penalty: 3 years in custody and a fine of \$50,000 per day of violation

Minimum Penalty: fine of \$5000 per day of violation

AGENCIES

U.S. Environmental Protection Agency, Criminal Investigation Division

San Diego County Department of Environmental Health Services, Hazardous Materials Division

City of San Diego Metropolitan Industrial Waste Program